



PATENT APPLICATION
(Attorney Docket No. 38473R1)

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

In re application of: Robert C. Meier

Application No.: 09/729,676

Filed: December 2, 2000

Attention: Initial Patent Examination Division
Assistant Commissioner for Patents
Washington, DC 20231

PETITION UNDER 37 CFR 1.47(b)

SIR:

In view of the inventor's refusal to sign an oath or declaration for the above-referenced patent application, a Declaration for Patent Application that has been executed by an authorized signatory for Intermec IP Corp is submitted with this Petition Under 37 CFR 1.47(b). Also accompanying the Petition is a Declaration of Facts in Support of Filing When an Inventor Refuses to Sign or Cannot Be Reached.

CERTIFICATE OF MAILING

I hereby certify that, on the date below, this PETITION UNDER 37 CFR 1.47, consisting of two (2) pages, is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to:
Assistant Commissioner of Patents, Washington, D.C. 20231.

May 17, 2001
Date

John H. Sherman
John H. Sherman, Reg. 16,909

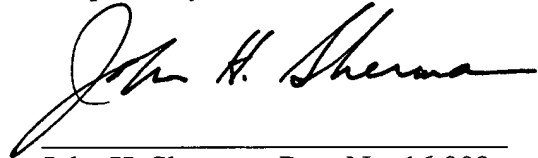
This petition is necessary to preserve the rights of Intermec IP Corp., owner of all rights to the invention of the patent application. On information and belief, Robert C. Meier, the inventor, was an employee of Norand Corporation (now known as Intermec Technologies Corporation by merger of 12/28/97) at the time the invention was derived, and is now employed by a competitor of Intermec Technologies Corporation.

The last known address for Robert C. Meier is 2975 Clear Creek Drive, Cuyahoga Falls, Ohio 44223. Five UPS packages from Intermec IP Corp have been successfully delivered to this address to date.

As set forth in 37 CFR 1.16-1.21, the petition fee in the amount of \$130.00 is being charged to Deposit Account per the enclosed Fee Transmittal form.

We respectfully request that the Commissioner grant the Petition.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John H. Sherman". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

John H. Sherman, Reg. No. 16,909
Attorney of Record

John H. Sherman
Intermec Technologies Corp.
550 Second Street S.E.
Cedar Rapids, IA 52401
Phone: 319/369-3661
Fax: 319/369-3630



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In re application of: Robert C. Meier

Application No.: 09/729,676

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DECLARATION OF FACTS IN SUPPORT OF FILING
WHEN AN INVENTOR REFUSES TO SIGN OR CANNOT BE REACHED

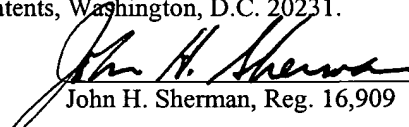
SIR:

This Declaration is made as to the exact facts which are relied upon to establish the diligent effort made to secure the execution of Declaration by the Inventor (Robert C. Meier) for the above identified patent application. This Declaration is being made by a person having first-hand knowledge of the facts recited therein.

CERTIFICATE OF MAILING

I hereby certify that, on the date below, this DECLARATION OF FACTS IN SUPPORT OF FILING WHEN AN INVENTOR REFUSES TO SIGN OR CANNOT BE REACHED, consisting of four (4) pages, and EXHIBITS A-F, consisting of forty-five (45) pages, are being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231.

May 17, 2001
Date


John H. Sherman, Reg. 16,909

Identification of Person Making this Declaration of Facts

This Declaration is being made by John H. Sherman, residing at 2407 Buckingham Drive, N.W., Cedar Rapids, IA 52405. I am presently a patent attorney for Intermec IP Corp in Cedar Rapids, IA. In relation to the patent application referenced above, I hereby do declare:

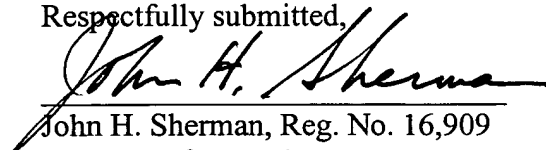
- 1) I have been directly involved with efforts to secure formal paperwork, including a signed Declaration for Patent Application, executed by Robert C. Meier, sole inventor for the above-referenced patent application. A bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and declaration) to the non-signing inventor for signature.
- 2) A copy of the patent application and Declaration and Assignment documents were sent to Mr. Meier on December 21, 2000 via UPS along with a cover letter requesting prompt return of the signed documents. The cover letter and Declaration and Assignment documents are attached as Exhibit A. Mr. Meier neither signed nor returned the Declaration and Assignment documents. Identical copies of the above-referenced patent application and Declaration and Assignment documents were again sent to Mr. Meier via UPS with new cover letters dated January 8, 2001 and March 8, 2001, respectively, again requesting prompt return of the signed documents. Copies of the cover letters are also attached to Exhibit A. Again, Mr. Meier neither signed nor returned the Declaration and Assignment documents. Tracking information obtained from the UPS web page is included for each of these letters in Exhibit B as evidence of delivery to the above-referenced address for Mr. Meier, which is believed to be correct.
- 3) In a telephone conversation on March 28, 2001 between Mr. Meier and the undersigned, Mr. Meier raised objection to the title of the above-referenced patent

application in relation to the claim. In response to this objection, a Preliminary Amendment was submitted to modify said title on April 10, 2001. A copy of the Preliminary Amendment and the patent application, as well as amended Declaration and Assignment documents and a new cover letter requesting prompt return were sent to Mr. Meier via UPS on April 10, 2001. Copies of these documents are attached as Exhibit C. No response was received from Mr. Meier with regard to this letter. Identical copies of the amended Declaration and Assignment documents, the patent application, and a new cover letter stipulating prompt return were again sent to Mr. Meier via UPS in a letter dated May 10, 2001. A copy of the cover letter is also included in Exhibit C. No response has been received from Mr. Meier to date. Tracking information obtained from the UPS web page is included for each of these letters in Exhibit D as evidence of delivery to the above-referenced address for Mr. Meier, which is believed to be correct.

5) Exhibit E is an employee agreement signed by Mr. Meier showing that he agreed in writing to assign Inventions to Norand Corporation at the time the invention of the present application was conceived. Exhibit F illustrates chain of title of the intellectual property from Norand Corporation to Intermec IP Corp.

6) I hereby declare that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereupon.

Respectfully submitted,


John H. Sherman, Reg. No. 16,909
Attorney of Record

John H. Sherman
Intermec Technologies Corp.
550 Second Street S.E.
Cedar Rapids, IA 52401
Phone: 319/369-3661
Fax: 319/369-3630